

Notice of Allowability

Application No.

10/088,048

Examiner

Daniel S. Metzmaier

Applicant(s)

RITTER, GUNTER

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/7/05.
2. ☒ The allowed claim(s) is/are 11-27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Claims 11-27 are allowed.

Examiner's amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please delete any previous abstract(s) and insert therefore the following abstract set forth herein on page 3 of this Action.

Abstract of the Disclosure

A composition for long term improvement of water quality in biological tank systems is described as: 1) at least one highly or poorly soluble Al^{3+} , Fe^{3+} , TiO^{2+} or ZrO^{2+} salt of an organic carboxylic acid, optionally mixed with an organic carboxylic acid; 2) at least one water soluble N free biologically degradable organic compound; 3) at least one soluble alkali or alkaline earth metal salt of an organic carboxylic acid; and 4) at least one Mg^{2+} salt of an organic carboxylic acid, optionally mixed with at least one Ca^{2+} of an organic carboxylic acid; and also 5) trace elements and vitamins, particularly water soluble vitamins of the B series. Changes in water quality determining parameters can be reduced, minimized or eliminated by using the described agent and thus a significant reduction in partial water change frequency or a clear extension of periods without water changing can be achieved.

Reasons for allowance

1. The following is an examiner's statement of reasons for allowance: the prior art does not disclose or fairly suggest the addition of the claim combination of ingredients in the methods or the combination of ingredients and/or concentrations set forth in the composition claims. See full office record. Newly cited Reference to Morris et al, US 6,376,229, is considered pertinent to the instant invention. Morris et al lacks the step of adding the combination of the instant components a) and d) or the combination of components a) and d) of the composition claims. The Morris et al reference lacks adequate motivation for making modifications to meet the instant claim limitations. More specifically, Morris et al teaches away from the instant invention, which desired to lower the nitrate and phosphate concentrations in the aquatic media while the Morris et al reference specifically (see Figure 1) adds nitrates and phosphate components to the system.

CN 1 115 620 A cited in the search report as a Y references lacks a teaching of the claimed methods and lacks the combination of components a) and d) of the composition claims. The remaining references in the search report have been addressed in the record.

The amendment merely provides an abstract on a separate page and said abstract is derived from the PCT application with replacement of "and characterized by a content of" with "as" to conform to 150 words.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

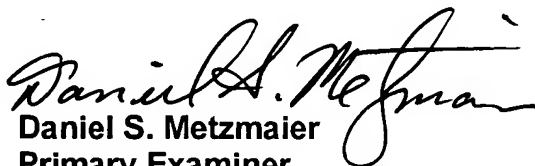
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM